



TOWN OF HUACHUCA CITY

The Sunset City

**HUACHUCA CITY TOWN COUNCIL
PUBLIC MEETING NOTICE
DECEMBER 17, 2020, AT 7:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AMENDED AGENDA [adding item E.5]

AGENDA

A. Call to Order – Mayor

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum
- c. Invocation

Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

B. Call to the Public – Mayor

A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

C. Consent Agenda - Mayor

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

- C.1** Consider approval of the minutes of the Regular Council meeting held on December 03, 2020, and the Work Session held on December 03, 2020.
- C.2** Consider approval of the Payment Approval Report.

D. Unfinished Business before the Council – Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

E. New Business Before Council - Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

E.1 Discussion and or/Action [Spencer Forsberg]: Mr. Forsberg will review the Town's finances for the months of October and November.

E.2 Discussion and/or Action [Manager Harvey]: Manager Harvey will recommend a temporary increase in pay for Town Clerk Thorpe, while she performs duties of the finance clerk position.

E.3 Discussion and/or Action [Mayor Wallace]: Mayor Wallace will seek approval of the assignment of Town representatives to the Sierra Vista Metropolitan Planning Organization [SVMPO], with the Mayor as the primary representative and Councilmember Butterworth as the alternate.

E.4 Discussion and/or Action [Mayor Wallace]: Mayor Wallace will present the winners of the Christmas Parade float entries with their prizes.

E.5 Discussion and/or Action [Suzanne Harvey]: Director Harvey will present a construction services contract amendment for Council's approval which would extend the date for Mountain Power to complete the work on the Emergency Vehicle Preemption Signal project. The amendment will extend the completion date to February 26, 2021.

F. Department Director reports

G. Items to be placed on future agendas

H. Reports of Current Events by Council

I. Adjournment

Posted at 5:00 PM on December 16, 2020, at the following locations:

Town Hall Bulletin Board 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Hall Lobby Windows 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Website https://huachucacityaz.gov
Huachuca City U.S. Post Office 690 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Library Windows 506 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Police Department 500 N. Gonzales Blvd. Huachuca City, AZ 85616

Ms. Brandye Thorpe

Town Clerk

Note: This meeting is open to the public. All interested people are welcome to attend. A copy of agenda background material provided to the Councilmembers, with the exception of confidential material relating to possible executive sessions, is available for public inspection at the Town Clerk's Office, 500 N. Gonzales Blvd., Huachuca City, AZ 85616, Monday through Friday from 8:00 a.m. to 5:00 p.m. or online at www.huachucacityaz.gov

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 520-456-1354 (TTY 520-456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond.



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
November 19, 2020 AT 7:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order – Mayor 7pm

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum
- c. Invocation

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Roll Call.

Present: Johann Wallace, Donna Johnson, Cynthia Butterworth, Christy Hirshberg, Debbie Trate, Jean Post, Suzanne Harvey (Not voting), Brandye Thorpe (Not voting), Thomas Benavidez, Attorney (Not voting).

Invocation was led by Elder Thomas.

B. Call to the Public – Mayor

A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to

address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

C. Consent Agenda - Mayor

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

C.1 Consider approval of the minutes of the Regular Council meeting held on November 19, 2020, and the Work Sessions held on November 17 and November 19, 2020.

C.2 Consider approval of the Payment Approval Report.

Motion: Consent Agenda, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion: Items on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

D. Unfinished Business before the Council – Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

E. New Business Before Council - Mayor

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E.1 Discussion and or/Action [Spencer Forsberg]: Mr. Forsberg will review the Town's finances for the month of October.

Motion: Item E.1, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Mayor Wallace asks Manager Harvey to give an update of what she discussed with Mr. Forsberg, who was unable to present at this meeting due to some missing information and will instead be at the next.

Director Harvey advises that Mr. Forsberg stated that the landfill continues to bring in money. Water and Sewer is doing what it is supposed to do and bringing in money as well. He is not sure about the expenditures.

E.2 Discussion and/or Action [Chief Thies]: Chief Thies will present his plan for establishing a Citizens Review Board for the Police Department.

Motion: Item E.2, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Chief Thies advises that he and Attorney Benavidez have been working on it. They have a template prepared. The Town needs to come up with a process regarding how complaints will be submitted to the Town. Not just Police Department complaints but all complaints. The Police Department complaints should then be brought to the Board, who will review and then bring the matter before Council. The Board will consist of 5 voting members with certain criteria that is still to be established. Board members will be vetted by Council, who will make the decision. Mr. Benavidez provided a timeline regarding length of term, so that fresh opinions are available. Mayor Wallace: I don't want to rush this. It is something new and I want to make sure we get it right. I don't see it being ready until next year, January sometime. Council will need to review this and we will need to have a Work Session. It is going to take some time. We will not be ready to start looking for someone to sit on the Board until January. We will take the time to identify other areas that need to be fixed first, like the complaint process. The complaint process would need to be fixed before we can move on with this. If you can send a digital version to Council, Council will take the month and look at it and make recommendations.

Mr. Benavidez: I think staff should be directed to come up with an administrative complaint process.

Motion: Develop a comprehensive complaint process for the Town that is conducive and supportive to something such as the Citizens Review Board for the Police Department, **Action:** Direct Staff, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

E.3 Discussion and/or Action [Chief Thies]: Chief Thies will present the newly designed sticker that will be on the new Police Department vehicles.

Motion: Item E.3, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Chief Thies: One of the things we needed to do when thinking of painting our new Police Department vehicles was figure out what was going to be the logo on them. What we have right now is not very impressive. With the help of our IT guy, Mayor Wallace we got our patch in a digital format, which will be a reflective decal on the driver side and passenger side. We will be putting this on all of our vehicles.

Mayor Wallace states that the Police Department has not had a digital image of their patch. We now have a good hi-resolution image of their patch, just like we have one of the Town Seal.

E.4 Discussion and/or Action [Jay Howe]: Director Howe will seek Council approval to move forward with the landfill expansion.

Motion: Item E.4, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: We did have a Work session before this meeting to go over this. We approved the action to go ahead and move forward with the landfill expansion. When the paperwork was submitted to ADEQ it was rejected because we need to re-do all this other stuff associated with it. When the original engineering, fly-over and stuff was done in 2016, the Town paid nearly \$200,000.00 for it. It is now beyond its time of usefulness. Now we have the opportunity to spend another approximately \$95,000.00 to support the landfill expansion project.

Jay Howe: What we had discussed in the Work session was the Mayor's suggestion of going over on the one line item, where we have other line items that will cover the expense, will give a single picture of the expenditure. The money is there. I am just looking for direction to move forward.

Mayor Wallace: \$80,000.00 was budgeted for this fiscal year for the landfill expansion. There are a couple more line items where little to no money have been spent on them, so looking at the bottom line of the landfill budget, they are doing ok. I have no concerns. If we do nothing, we have until about 2041 until the landfill will have to be closed.

Motion: Director Howe to move forward with the landfill expansion as discussed, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

E.5 Discussion and/or Action [Town Attorney]: Approval of the engagement agreement with the law firm, Greenberg Traurig, to provide special counsel services to the Town with respect to the financing agreement with the Water Infrastructure Finance Authority of Arizona ["WIFA"] the Town intends to pursue to pay for the sewer ponds closure project.

Motion: Item E.5, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Mr. Benavidez advises that these transactions are handled by special council. Municipalities get experts to negotiate financing agreements. It's not something he can advise on because he

does not have that experience. We have worked with this firm in the past. If they don't close on the deal, they don't get paid.

Motion: Engagement agreement with the law firm Greenberg Traurig, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.
Motion passed unanimously.

E.6 Discussion and/or Action [Manager Harvey]: Approval of Resolution No. 2020-28 authorizing the Town to apply for a 1.8 million dollar loan from the Clean Water State Revolving Fund, through WIFA, to pay for the sewer ponds closure project.

Motion: Item E.6, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Manager Harvey advises that this is what we must do to close the sewer ponds. We must close and cover the sewer ponds. We have been ordered to do so by ADEQ. We have to submit this with our preliminary application. We hope to submit the preliminary application tomorrow if we get this resolution approved.

Motion: Resolution 2020-28, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.
Motion passed unanimously.

F. Department Director Reports

Dr. Johnson has been working with FEMA regarding the flood zones.

Director Howe advises the Border Wall Project is winding down.

Director Harvey invites Council to the staff potluck on December 21st, to include an ugly sweater contest. We are facing staffing challenges, we need a Finance Clerk, Bus Driver, Landfill Operator and Library Director. We are looking at contracting out for some help in between. This shows that we can't only have one person who knows how to do critical tasks, critical tasks require more than one person. Please be patient with us, we do have a plan. Clerk Thorpe advises that Antelope Run Electric will be out tomorrow to hang the lights on the tree. The parade looks like it will be very large, we have a lot of people who want to participate.

Manager Harvey also advises that a mitigation plan has been sent, to comply with Governor Ducey's new Proclamation.

G. Items to be placed on future agendas

H. Reports of Current Events by Council

Councilmember Hirshberg confirms that we are going to have a large parade. The tractor club is putting 7 tractors in the parade. Safeway said they would give us \$20 but when I got there they gave me \$25 towards the Christmas parade, to have cookies and hot chocolate afterward. Everyone is welcome to participate. Each year at my work we adopt a family in need, and this year I didn't know of a family so I asked Chief Thies. He knows of 2 families who need help and he also was able to get Target to sponsor a \$200.00/family shop with a cop event.

Councilmember Butterworth advises of the SVMPO transition meeting tomorrow at 4:30pm. Mayor Wallace advises that Governor Ducey released a new executive order that is putting additional restrictions on entities who want to have Christmas events. We will still do our parade, tree lighting and Polar Express. We need to do whatever we can to bring some sense of normalcy to the folks of this Town.

I. Adjournment

Motion: 7:34pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on December 17, 2020.

Mr. Johann R. Wallace
Mayor

Attest: _____
Ms. Brandye Thorpe,
Town Clerk

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on December 03, 2020. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL WORK SESSION
December 03, 2020 AT 6:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order – Mayor 6pm

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum

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Roll Call.

Present: Johann Wallace, Donna Johnson, Cynthia Butterworth, Christy Hirshberg, Debbie Trate, Jean Post, Suzanne Harvey (Not voting), Brandye Thorpe (Not voting), Thomas Benavidez, Attorney (Absent).

B. Call to the Public – Mayor

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C. New Business Before Council - Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

C.1 Discussion only [Jay Howe]: Director Howe will provide new information regarding the landfill expansion project and requirements that will need to be met to pursue the expansion.

Motion: Item C.1, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Donna Johnson.

Director Howe provides information regarding the application that was submitted to ADEQ: ADEQ rejected the application because the information provided to them was from 2016 and is now outdated. They require that we re-submit the application with new engineering permit level drawings, topo survey with elevations, current operation information and volume calculations to be considered for the permit. Unfortunately, since we didn't move forward sooner, the costs are inflated in order to redo the engineering. \$85,000.00 is a firm price from Hugh Walker Enterprises. He is also going to provide the fly-over for just under \$5,000.00. Another bid was obtained from SJ Anderson Company and the cost of the fly-over was around \$7,000.00. We paid \$1,500.00 on the original application submittal, that money is still there and available. ADEQ has that as a down payment for the technical and administrative review process. There will be additional fees to get it through the review process with them. The total that we need to move this forward is \$97,000.00.

Director Howe explains that this money is available in his budget and advises that it will have to be taken from different line items but will not put him over budget.

Mayor Pro Tem Johnson: The money for the closure is not being touched, correct?

Mayor Wallace: No, we can't touch that money. I'm upset that the Town spent almost \$200,000.00 in 2016 and just sat on it. If you are looking at your budget based off the projections of expenditures over revenues and the money is there then good. My only ask is that if Council decides to approve it at the next meeting, that the charge actually goes against that one line item instead of splitting it up between the three line items so that an accurate accounting of where the money was spent is provided. I want there to be a true representation of where the money was spent.

Councilmember Post: When we are discussing revenue, is that actually money that is coming in or just money that we are owed?

Mayor Wallace: We are now actually sending people bills and getting paid. There was a pause in billing for landfill, water and sewer because of COVID. We lifted that restriction and people are getting billed and we are getting paid.

Manager Harvey: I will tell you that Spencer was here today, and I asked him what he could tell me and he did say that the landfill is still doing well and bringing in the money. He reviewed it and still feels like we are bringing in more revenue than we projected.

D. Adjournment

Motion: 6:13pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Donna Johnson.

Motion passed unanimously.

Approved by Mayor Johann R. Wallace on December 17, 2020.

Mr. Johann R. Wallace
Mayor

Attest: _____
Ms. Brandye Thorpe,
Town Clerk

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on December 3, 2020. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk

TOWN OF HUACHUCA CITY
SECOND AMENDMENT TO AGREEMENT
BETWEEN THE
TOWN OF HUACHUCA CITY AND CONTRACTOR
FOR
CONSTRUCTION SERVICES
FOR THE
EMERGENCY VEHICLE PREEMPTION SIGNAL PROJECT

This Second Amendment to the Contract, made and entered into by and between the Town of Huachuca City ["TOWN"] and Mountain Power Electrical Contractor, Inc, ["CONTRACTOR"] shall be effective as of December 17, 2020.

RECITALS:

WHEREAS, TOWN and CONTRACTOR entered into a construction services contract ["Contract"] which became effective in February, 2020, and remains in full force and effect; and

WHEREAS, TOWN and CONTRACTOR amended their Contract to allow additional time to complete the work, up to December 31, 2020; and

WHEREAS, it appears that additional time will be required beyond December 31, 2020, to complete the work; and

WHEREAS, TOWN and CONTRACTOR wish to amend their Contract a second time to allow additional time to complete the work; and

WHEREAS, section 15 of the Contract's General Terms and Conditions indicates that the Contract may be extended by written amendment of the Contract, signed by both parties; and

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter contained, TOWN and CONTRACTOR amend the Contract as follows:

A. PERFORMANCE SCHEDULE

The Performance Schedule in Section B(2) is amended to read:

“Performance Schedule: The CONTRACTOR may begin performing only upon receipt of the TOWN’S Notice to Proceed. The work shall be completed in a timely manner and all deliverables shall be submitted to the TOWN Project Manager no later than February 26, 2021. This Contract shall terminate after expiration of project warranties, unless extended at the sole option of TOWN.”

B. NOTICE TO PROCEED

The Notice to Proceed is amended to allow the CONTRACTOR until February 26, 2021, to complete the work.

C. NO OTHER TERMS AFFECTED

Except as provided in sections A and B, above, all other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the date signed by the TOWN.

TOWN OF HUACHUCA CITY

CONTRACTOR

By: Johann Wallace

by: Josh Beck

its: Mayor

its: President

Date: _____

Date: _____

APPROVED AS TO FORM:

Thomas A. Benavidez

Town Attorney

Date: _____